

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on pages 6-11 and 15.

Claim 2 has been cancelled.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1 and 3-14 are now pending in this application.

**Foreign Priority**

The Office's acknowledgement of Applicant's claim for foreign priority is appreciated. The Examiner is respectfully requested to confirm that the certified copy of the Japanese application has been received.

**Information Disclosure Statement**

Applicant wishes to thank the Office for providing a signed and initialed copy of the SB/08 form provided with the Information Disclosure Statement filed on August 18, 2003. Applicant notes that an Information Disclosure Statement and SB/08 form were also filed on December 29, 2005. Applicant respectfully requests a signed and initialed copy of this SB/08 form with the next Office correspondence.

**Objection to the Specification**

The specification is objected to for containing confusing language. The specification has been amended to overcome this objection. Withdrawal of this objection is respectfully requested.

**Claim Objections**

Claims 4, 6, and 14 are objected to for containing minor informalities. The claims have been amended to overcome these objections. Withdrawal of these objections is respectfully requested.

**Rejection under 35 U.S.C. § 102**

Claims 1, 3, 8, 13, and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,242,119 (hereafter “Komura et al.”). This rejection is respectfully traversed.

Amended claim 1 recites a fuel cell system that includes “a fuel-line water recovery tank collecting water discharged from a fuel electrode outlet of a fuel cell,” a fuel-line water discharge discriminator, a combustor disposed downstream of a fuel-line water discharge port of the fuel-line water recovery tank, “a fuel-line water discharge flow passage closure unit operative to open and close a fuel-line water discharge flow passage between the fuel-line water discharge port and the combustor,” and “a second water recovery tank disposed between the combustor and the fuel-line water discharge flow passage closure unit.” Claims 13 and 14 contain similar language to claim 1. An advantage of Applicant’s invention is providing a fuel cell system that prevents fuel gas from being discharged to the outside of the system even if fuel gas is expelled from a water recovery tank that collects water discharged from the fuel cell. This advantage applies to a situation in which measurements of a water level inside of a water recovery tank cannot be accurately made, such as, for example, when vertical fluctuations of the water level occur.

Komura et al. discloses a fuel cell system that prevents freezing of water in the system. See Komura et al. at col. 2, lines 13-17. The Office argues that Komura et al. discloses a fuel cell system with a fuel-line water tank and a valve to allow for the discharge of water from the water tank. See Office Action at page 3. However, the Office refers to the first gas/liquid separator 56 disclosed by Komura et al. as the water tank and the changeover valve 22 disclosed by Komura et al. as the valve. Komura et al. does not disclose that the first and second gas/liquid separators 56, 58 are water tanks, nor does Komura et al. disclose that the first and second gas/liquid separators 56, 58 collect water. Komura et al. discloses

that the first and second gas/liquid separators 56, 58 recover water and supply the water to a water recovery tank 18 through second and third water passages 60, 62. See Komura et al. at col. 4, lines 9-12. Therefore, Komura et al. discloses that water tank 18 serves as a water tank that collects water.

Komura et al. further discloses a changeover valve 22 that is connected under the water recovery tank 18 via a drain passage 30 for discharging the water recovery tank. See Komura et al. at col. 3, lines 4-5, and col. 4, lines 34-40. However, changeover valve 22 is not “a fuel-line water discharge flow passage closure unit operative to open and close a fuel-line water discharge flow passage between the fuel-line water discharge port and the combustor” because changeover valve 22 is not located between the fuel-line water discharge port of the fuel-line water recovery tank and a combustor, nor does changeover valve 22 operate to open and close a flow passage between the fuel-line water discharge port and a combustor.

Komura et al. does not disclose “a second water recovery tank disposed between the combustor and the fuel-line water discharge flow passage closure unit.” As discussed above, Komura et al. does not disclose that first and second gas/liquid separators 56, 58 are water tanks that collect water. Nor are first and second gas/liquid separators 56, 58 disposed between a combustor and a fuel-line water discharge flow passage closure unit. Komura et al. discloses a tank 20, but this tank is for methanol solution. See Komura et al. at col. 2, lines 52-57. Nor is water recovery tank 20 disposed between a combustor a fuel-line water discharge flow passage closure unit and a combustor.

For at least the reasons discussed above, withdrawal of this rejection is respectfully requested.

**Rejections under 35 U.S.C. § 103**

Claims 2, 4, and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Komura et al. This rejection is respectfully traversed.

The Office states on page 5 of the Office Action that it would have been obvious to rearrange the parts of the fuel cell disclosed by Komura et al. to place the oxidant-line water recovery tank downstream of the fuel-line water recovery tank because it involves only

routine skill in the art. However, even if it would have been obvious to one of ordinary skill in the art to rearrange the first gas/liquid separator 56 and the second gas/liquid separator 58 so that one was downstream from the other, neither gas/liquid separator would be disposed between burner 40 and a fuel-line water discharge flow passage closure unit. Komura et al. does not disclose or suggest that the gas/liquid separators are disposed between burner 40 and changeover valve 30 or another valve, nor would it have been obvious to arrange the gas/liquid separators in this fashion. Furthermore, as discussed above, Komura et al. does not disclose or suggest that either gas/liquid separator is a water tank that collects water.

The Office does not provide a motivation for rearranging the parts disclosed by Komura et al. other than to say that it would have involved "...only routine skill in the art." See Office Action at page 5. The Office has not provided a motivation for why one of ordinary skill in the art would have modified the fuel cell of Komura et al. to provide the claimed fuel cell system. The Office appears to be taking official notice for these limitations that are not disclosed by Komura et al. by stating that these limitations are known and obvious. Applicants request that the Office provide prior art to show that these limitations are known or else withdraw the rejections. Furthermore, the Applicants request that the Office cite motivation in the prior art for making any modifications to the teachings of Komura et al. or else withdraw the rejections.

For at least the reasons discussed above, it would not have been obvious to modify the fuel cell system of Komura et al. to provide the claimed fuel cell system. Nor would one of ordinary skill have had a motivation for making such a modification. Withdrawal of this rejection is respectfully requested.

Claims 5, 7, and 9-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Komura et al. in view of U.S. Patent No. 5,192,627 (hereafter "Perry, Jr. et al."). This rejection is respectfully traversed.

Perry, Jr. et al. does not remedy the deficiencies of Komura et al. For example, Perry, Jr. et al. does not disclose or suggest a combustor or burner. Nor does Perry, Jr. et al. disclose or suggest "a second water recovery tank disposed between the combustor and the fuel-line

water discharge flow passage closure unit.” Withdrawal of this rejection is respectfully requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 4/17/06

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5426  
Facsimile: (202) 672-5399

By 

Glenn Law  
Attorney for Applicant  
Registration No. 34,371